IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.2300 / 2007

Mr Mahendra Bhaskar Ektate ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr A.M. Saraogi, Advocate for the applicant.
Ms S. D. Shinde, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 7.8. 2007.

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. Perused application and other material available on record.

3. The applicant has invoked the jurisdiction of this Court under Section 438 of the Cr.P.C. to seek anticipatory bail in C.R. No.122 of 2006 registered with Economic Offence Wing-IV, CID under Sections 465,467, 471, 420 read with Section 34 of the IPC, read with Sections 10 and 24 of the Immigration Act.

4. The factual matrix reveal that one Anmolsingh Amarsingh Bhambra (i.e. the main

accused) had published an advertisement in daily newspaper stating that there are vacancies for the post of "Helper" in "Mac Ganian" Milk Dairy in the Australia. That the needy persons should contact him. That the said advertiser would provide them job.

5. After the aforesaid advertisement, the complainant and 13 others approached the said Anmolsingh Bhambra and each of them paid him Rs. 10,000/-. Said Mr Bhambra assured them that he would provide them jobs as the Helper in a milk dairy in the Australia.

6. Mr Anmolsingh Bhambra forwarded 13 passports to the present applicant, and thereafter, one Sunil Patil handed over the said passports to one Balbirsingh Lehal and Abdullah Gulam Rasul Shaikh, who are also known as Rajendrakumar and Nasir respectively.

7. The complainant and others were thereafter, instructed to pay Rs. 5 lac each for securing jobs in the Australia. On 14.9.2006 the complainant and others were called at Sahara Airport and they were made to make payment aggregating sum of Rs.

49,20,000/-and, thereafter, they ran away with amount of Rs. 49,20,000/- without contacting the complainant and others.

8. The visas provided to the complainant and others were turned out to be fake visas. The complainant and others believing that they may not get any job in the Australia and that their moneys were lost, made a complaint, registered as C.R.No. 122 of 2006 with Police Station against all the accused persons.

9. The factual matrix further reveal that in all seven persons were involved in the game; out of which five were arrested till date and some of them were released on bail. Accordingly charge sheet came to be filed against three accused.

10. During the course of investigation, the prosecution has revealed that the present applicant is one of the persons involved in the commission of the alleged offence. His name is "Mahendra Bhaskar Ektate". However, in the complaint, his name is not shown but the name of one "Sunil Patil" is shown.

11. The prosecution has recorded statement of one Mr Abdul Gulam Rasool Shaikh, who is one of the co-accused in this case. He has disclosed that the present applicant operates in the name of Sunil Patil. As per prosecution, the present applicant is nobody other than that person named as "Sunil Patil" in the complaint.

12. Admittedly, the present applicant had been involved in similar business of providing employment to the various persons. Under these circumstances, prima facie; material is available on record which needs further probe which can only be done through custodial interrogation.

13. In the above view of the matter, I am not inclined to grant anticipatory bail to the present applicant. Thus, the application is rejected.

14. At this stage, the learned counsel for the applicant sought one week's time to surrender. Accordingly one week's time is granted to surrender.

15. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merit of the case at the time of trial.

16. The application stands disposed of.

(V.C. DAGA,J.)